

UNITED STATES DISTRICT COURT

for

EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

U.S.A. vs. Monte Lorenzo Hamilton

Docket No. 7:01-CR-58-1F

Petition for Action on Supervised Release

COMES NOW Michael C. Brittain, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Monte Lorenzo Hamilton, who, upon an earlier plea of guilty to Possession with Intent to Distribute Cocaine Base (Crack) in violation of 21 U.S.C. § 841(a)(1), was sentenced by the Honorable James C. Fox, Senior U.S. District Judge, on September 5, 2001, to the custody of the Bureau of Prisons for a term of 57 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
3. The defendant, while on supervised release, shall obtain his GED or attend such Vocational Training Program as directed by the U.S. Probation Office.

Monte Lorenzo Hamilton was released from custody on November 1, 2005, at which time the term of supervised release commenced. Mr. Hamilton has been supervised in the District of South Carolina since his release.

On October 24, 2008, his supervision was modified to include a five (5) day community service project as a sanction for testing positive for marijuana use. Mr. Hamilton has completed the community service project as directed by the U.S. Probation Officer in South Carolina.

On April 15, 2009, his supervision was modified to include home confinement with voice recognition for a period of four (4) months as a sanction for testing positive for marijuana use. Mr. Hamilton completed that sanction successfully on August 23, 2009.

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On April 26, 2010, his supervision was modified to include four (4) months on home confinement as a sanction for testing positive for marijuana use. Mr. Hamilton is currently completing that sanction.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: On July 19, 2010, Mr. Hamilton left his residence without authorization from 1:20 a.m. until 9:05 a.m. When meeting with the probation officer the following day, he stated that he was with a girlfriend. A subsequent record check revealed that Hamilton was arrested by the South Carolina Highway Patrol on July 19, 2010, and he was charged with Driving Under the Influence, and Open Container. The charges are currently pending. The supervising probation officer in South Carolina, Krista Cessna, has requested that the defendant's home confinement be extended until Mr. Hamilton's scheduled expiration date of October 31, 2010. Mr. Hamilton has signed a waiver agreeing to the proposed modification.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. That the defendant shall be continued on a Location Monitoring component of home detention with the electronic monitoring technology of radio frequency until the expiration of his supervised release term, October 31, 2010.

Except as herein modified, the judgment shall remain in full force and effect.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Michael C. Brittain
Michael C. Brittain
Senior U.S. Probation Officer
310 New Bern Avenue, Room 610
Raleigh, NC 27601-1441
Phone: (919) 861-8660
Executed On: September 9, 2010

ORDER OF COURT

Considered and ordered this 9th day of September, 2010, and ordered filed and made a part of the records in the above case.

James C. Fox
James C. Fox
Senior U.S. District Judge